



***MINUTES OF THE ONE-HUNDRED-AND-SEVENTY-SIXTH
MEETING OF THE MERIT BOARD – May 19, 2010***

***State Universities Civil Service System Office
1717 Philo Road, Suite 24
Urbana, Illinois 61802
&
(Video Conference)
University of Illinois at Chicago
Human Resources Building, Room 201D, 2nd Floor
715 South Wood Street
Chicago, Illinois
&
(Video Conference)
Western Illinois University
Horrabin Hall, Room 60
1 University Circle
Macomb, Illinois
&
(Video Conference)
Southern Illinois University Edwardsville
Office of Educational Outreach
Founders Hall 2300, Distance Learning Classroom
Edwardsville, IL***

Chair Maitland called the meeting to order at 10:08 a.m.

Members present at the primary meeting location were: Joanne E. Maitland, Chair, representing Illinois State University; Robert D. Webb, representing Eastern Illinois University; and Barbara Vella, representing Northern Illinois University.

Members present at the Chicago videoconference location were: Grace Dawson, representing Northeastern Illinois University; Kristi DeLaurentiis, representing Governors State University;

Karan Hasara, representing the University of Illinois; James D. Montgomery, representing the University of Illinois; and Lawrence Oliver II, representing the University of Illinois.

Member present at the Macomb videoconference location was: Donald “Bill” Griffin, representing Western Illinois University.

Member present at the Edwardsville videoconference location was: John Simmons, representing Southern Illinois University.

Member absent was: Richard L. Tolliver, representing Chicago State University.

Also present were: Lewis T. (Tom) Morelock, Executive Director; Mary C. Follmer, Assistant Director, Legal Services; Teresa Rademacher, Secretary for the Merit Board; and Barney Bryson, Chair of the State Universities Civil Service Advisory Committee. Various other university employees and University System Office staff were also in attendance.

Consideration of participation by other Merit Board Members, not physically present at meeting site

No members requested participation by teleconference.

Public Comments

The State Universities Civil Service System had no requests for public comments.

Consideration of the Minutes of the 175th Meeting of the Merit Board, January 20, 2010; Closed Minutes of the 175th Meeting of the Merit Board, January 20, 2010; Special Meeting of the Merit Board, March 18, 2010

The minutes of the 175th meeting of the Merit Board, January 20, 2010; Closed Minutes of the 175th meeting of the Merit Board, January 20, 2010; and the Special Meeting of the Merit Board, March 18, 2010, had been transmitted to members of the Merit Board with the agenda materials. Ms. DeLaurentiis requested that the spelling of her name be corrected in the March 18, 2010 minutes.

Dr. Webb moved to approve all of the minutes. Mr. Montgomery seconded Dr. Webb’s motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Update and authorization for the Executive Director to implement and administer the Merit Board Budget for FY 2011

Mr. Morelock updated the Merit Board on the status of the FY 2011 operating budget. SB 3882 and HB 6756 capture the Governor's budget recommendation for the State Universities Civil Service System. Both of the bills set our appropriation at \$1,273,200. He also stated that testimony had been presented in the House Appropriations Committee on April 15, 2010 and the Senate Appropriations Committee on March 23, 2010. No decision has been made regarding the FY 2011 appropriation at the time of the meeting. Chair Maitland requested a motion to consider the Resolution included in the agenda materials. Mr. Simmons made a motion to adopt the following Resolution.

RESOLUTION

BE IT RESOLVED THAT contingent upon the availability of funds and final approval by the Governor's office, the Merit Board authorizes the Executive Director to administer the FY 2011 budget, including the possible implementation of a salary increase for agency employees, administered in accordance with applicable Merit Board policies and Pay Administration Guidelines, contingent upon the availability of funds. The Merit Board also authorizes the Executive Director to make any other expenditures necessary for the operation of the State Universities Civil Service System and the Merit Board Office, commencing July 1, 2010 and continuing until such time as the FY 2011 appropriation becomes effective or the Merit Board directs otherwise.

Dr. Dawson seconded Mr. Simmon's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of Public Officials Errors and Omissions Insurance – July 1, 2010 through June 30, 2011

Mr. Morelock requested that the Merit Board allow him to investigate, research, and purchase public errors and omissions insurance for the period of July 1, 2010 through June 30, 2011.

Ms. DeLaurentiis made a motion that the Executive Director be directed to investigate and purchase, based on budgetary discretion, a Public Officials Errors and Omissions Insurance Policy for Merit Board members and University System Office staff. Ms. Hasara seconded Ms. DeLaurentiis' motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion was unanimously approved.

Update and action on proposed rule changes to section 250.110, Separations and Demotions and section 250.120, Seniority, of the Illinois Administrative Code, regarding Furlough Programs

Mr. Morelock gave an overview of what had transpired to date regarding the proposed furlough rules. At the February meeting, several amendments were adopted and submitted to the Joint Committee on Administrative Rules (JCAR). Despite these amendments, JCAR still had an Objection at the April 13, 2010 committee hearing. The University System Office was given one more opportunity to revise the proposed rules in order to achieve consensus with all public stakeholders.

Enclosed in the agenda materials were two amendments for the Board to consider. Section 250.110(b)(5)(E) changing the 15 calendar days to “30” days and in section 250.110(b)(5)(G) adding the phrase “and shall only be implemented in accordance with a negotiated agreement.” JCAR did assure the staff of the University System Office that if the above two changes were approved there would be no further objections. Dr. Dawson asked what the unions’ perception on the language was and Mr. Morelock responded that the unions are in agreement with the two proposed amendments as submitted in the agenda materials.

Dr. Dawson moved to approve the two proposed amendments as submitted in the agenda materials. Mr. Simmons seconded Dr. Dawson’s motion.

Dr. Griffin asked if these changes had not already been presented and voted down by the board and Mr. Morelock reported that Dr. Griffin was correct in his assessment. Dr. Griffin opposed these revisions for the record. Mr. Montgomery felt that at the last meeting the Board had made a good judgment in their amendments and that the Board should not overturn just because of the JCAR recommendation. Mr. Morelock further clarified the major reason for these changes were to attempt to achieve consensus with the various public stakeholders.

After a lengthy discussion, a roll call vote was taken and the motion failed with the following vote:

Dr. Dawson	Aye
Ms. DeLaurentiis.....	Aye
Mr. Griffin	No
Ms. Hasara.....	No
Mrs. Maitland	Aye
Mr. Montgomery.....	No
Mr. Oliver	No
Mr. Simmons	Aye
Rev. Tolliver	Absent
Ms. Vella	Abstain
Dr. Webb	No

Mr. Oliver made a motion to represent the previous language again to JCAR. Ms. Hasara seconded Mr. Oliver's motion. Mr. Montgomery made a motion to amend the motion to change section 250.110(b)(5)(E) from "15" days to "30" days. The University System staff stated that JCAR could prohibit the rule if it was resubmitted. A rule prohibition had a more significant implication should the Merit Board decide to revisit this topic. Mr. Montgomery asked what the basis would be for prohibiting the rule. Mr. Morelock replied that the basis for the prohibition would be 'that this rule change would not be in the best interest of the citizens of Illinois'. At this time Mr. Oliver withdrew his original motion and Ms. Hasara agreed to withdraw her second to that motion as well.

After further discussion, the University System office indicated that based on this action, the rule proposal will formally be withdrawn.

Annual Ethics Training for Merit Board Members and Staff

Executive Director Morelock stated that each member had been mailed a packet on March 19, 2010, regarding the Ethics Training for calendar year 2010. The material included the Ethics Training for Appointees to State of Illinois Boards. The Office of the Executive Inspector General revised the Ethics Training Guidelines. All employees are now required to complete training on-line and each Board member must complete the training for Appointees to State of Illinois Boards for our agency, as well as for their university. Mr. Morelock reminded the Board that all members need to complete this training by June 20, 2010 and return the Acknowledgement of Participation form to Teresa Rademacher by the due date. Ethics training for employees will be conducted on-line during the timeframe of May 19 through June 17, 2010.

Report of the Executive Director

Executive Director Morelock provided an agency report which included the following items:

- updated the Merit Board on the current FY 2010 expenditures and obligations, breakdown of expenditures were included in the agenda materials;
- updated the Merit Board on the Audit Program with a copy of the audit schedule included in the agenda materials;
- updated the Merit Board on the recent classification/examination changes; and

- informed the Merit Board of interagency activities with a list of University/Agency visits included in agenda materials.

Report of the Human Resource Directors Advisory Committee

The Merit Board heard a report from Maureen Parks, Assistant Vice President for University Human Resources, University of Illinois. The committee last met on May 7, 2010. Ms. Parks stated that the committee was in agreement that furlough language was needed. However, some employers felt that the proposed language was not appropriate. She further stated that the University of Illinois imposed furloughs on Academic Professional employees and it became a major project for them, with several public relations issues.

Ms. Parks further stated the University Civil Service System Office is continuing to meet with various members regarding the pilot program which is scheduled to end in the Fall 2010. The discussion of the proposed furlough rules and the pilot program issues have been the major topics with the human resource group.

Report of the State Universities Civil Service Advisory Committee – Barney Bryson, Chair

The Merit Board heard a report from Barney Bryson, Chair of the State Universities Civil Service Advisory Committee. The Committee last met on April 29 and 30, 2010 at Southern Illinois University Carbondale. Mr. Bryson explained that the advisory committee was a statutory committee and that the committee represents both union and non-union employees on each of the university and agency employment locations. This committee is statutory and designed to advise the Merit Board.

Dr. Samuel Goldman, Chancellor at SIU Carbondale and Kathy Blackwell, DER at SIU Carbondale, welcomed the members to the SIUC campus for their meeting.

Mr. Bryson further stated that a letter was sent to JCAR regarding the proposed furlough rules, but JCAR did not receive it. The committee discussed the possible negative ramifications if the proposed furlough rules were not passed.

Mr. Bryson stated that a special election would be held for Virnita Martin, EAC member at Chicago State University, due to her layoff, and for Sheila Kirby, EAC member at Western Illinois University, who would be retiring.

Report of Legal Counsel – Mary Follmer

Mary Follmer, Assistant Director, Legal Services, updated the Merit Board on outstanding legal matters. Ms. Follmer stated that thus far during FY 2010, 55 Written Charges for Discharge have been served on employees by the various universities/agencies. Fifteen employees have requested hearings. Out of those 15 requests, three employees withdrew their requests before the hearings were held; two employers withdrew the charges before the hearings were held; five settlement agreements were made, one before the hearing and four during the hearing process; two employees resigned, one before the hearing and one after the hearing process; and three cases were pending at the time of this Board meeting.

Additionally, there is one pending Administrative Review Case, Michael Rettig v. University Civil Service Merit Board et. al. Ms. Follmer updated the Merit Board on this case. The Office of the Attorney General (AG) is representing the agency and the Merit Board. The AG office filed a Motion to Dismiss and oral argument was heard on December 22, 2009. The court took the matter under advisement and set the case for ruling on February 23, 2010. On February 23, 2010, the court entered an order dismissing counts II and III. Briefs regarding count I Administrative Review were due May 4, 2010. Oral arguments will be presented on June 21, 2010.

Other Items as Presented

The next meeting of the Merit Board will be on Wednesday, August 18, 2010. Dr. Dawson made a motion to adjourn the meeting. Mr. Simmons seconded Dr. Dawson's motion. A voice vote was taken and approved. The meeting adjourned at 11:25 a.m.

Respectfully submitted,

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

APPROVED:

/s/ Joanne E. Maitland

Joanne E. Maitland, Chair

August 18, 2010

Date